



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Superior Engineering and Electronics Co.,  
Inc.

**File:** B-237035

**Date:** December 20, 1989

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### DIGEST

Protest objecting to amendment of solicitation's evaluation factors prior to the date for receipt of proposals is denied, since contracting agencies have broad discretion to amend the terms of a solicitation, including the relative weights of evaluation criteria.

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### DECISION

Superior Engineering and Electronics Co., Inc., protests the proposed amendment of request for proposals (RFP) No. N00189-89-R-0321, issued by the Naval Supply Center, Norfolk, for the operation of a depot electronic maintenance center. Superior objects to the Navy's decision to amend the RFP's award evaluation criteria from a "lowest cost" basis to a "greatest value" basis and the resulting deletion of the clause found at, Department of Defense Federal Acquisition Regulation Supplement (DFARS) § 252.219-7007 (1988 ed.), which allows for an evaluation preference for small disadvantaged businesses (SDBs).

We deny the protest.

The RFP was issued on June 28, 1989, and provided that award would be made to the "lowest cost responsible offeror who offers an acceptable technical proposal." The RFP also listed the following equally weighted evaluation factors which would be used in determining the technical acceptability of the proposals: (a) management organization/capability; (b) personnel qualifications; and (c) technical excellence.

By amendment No. 1 dated August 2, 1989, the Navy extended the solicitation closing date and stated that the Navy was reviewing several procurement concerns which it would

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address in amendment No. 2. Amendment No. 2 was issued August 15 and indicated that the award evaluation criteria would be revised and that the proposal evaluation would be based on a "greatest value" basis. It stated further that another amendment would be issued to incorporate the revised evaluation factors and that the SDB evaluation preference would be deleted from the solicitation because such preferences are only used in competitive acquisitions where award is based on price and price related factors. This protest was filed on September 21, and the solicitation closing date has been extended indefinitely pending resolution of this protest.

The protester objects to the agency's intention to amend the RFP's evaluation criteria and alleges that it is attempting to circumvent preferences for SDBs by the use of the "greatest value" evaluation scheme.

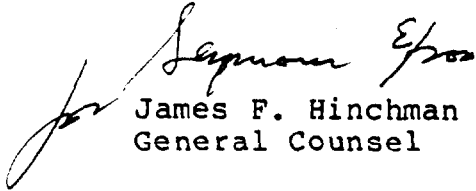
Contracting agencies have broad discretion to amend terms of a solicitation, including the relative weights of the evaluation criteria. Singer Company, Librascope Division, B-227140, Sept. 8, 1987, 87-2 CPD ¶ 225. Although it is improper to announce one evaluation plan in a solicitation and then follow another in the actual evaluation, an agency may depart from the announced evaluation plan if it informs all offerors of the change and provides them an opportunity to restructure their proposals in light of the new evaluation scheme. Galler Associates, Inc., B-210204, May 16, 1983, 83-1 CPD ¶ 515.

Here, the agency states that subsequent to the issuance of the solicitation, the contracting officer was informed that the agency required a 96 percent quality assurance level. The Navy notes that the solicitation contemplates a time and materials contract which places great emphasis on management efficiency and effectiveness and that under such a contract, if the management of the depot is not efficient and effective, it would result in additional costs to the government. The Navy states that given the complexity of the procurement involved and the need to guarantee the highest possible quality in the performance of the contract, the contracting officer decided to use the "greatest value" criteria. Although Superior may have preferred the method of evaluation described in the original RFP, it has not responded to the Navy's explanation as to why the circumstances warrant use of the "greatest value" evaluation methodology. We therefore find no basis to question the amendment.

Finally, with respect to the protester's allegation that the Navy is attempting to change the evaluation criteria to

avoid using the SDB preference, we simply note that the protester has provided no credible evidence to support its assertion. Prejudicial motives will not be attributed to contracting officials on the basis of unsupported allegations, inference, or supposition. Metrolina Medical Peer Review Foundation, B-233007, Jan. 31, 1989, 89-1 CPD ¶ 97.

The protest is denied.

  
James F. Hinchman  
General Counsel